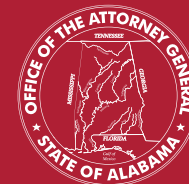




# 2017

STATE OF ALABAMA  
OFFICE OF THE  
ATTORNEY GENERAL  
ANNUAL REPORT





## A MESSAGE FROM ATTORNEY GENERAL STEVE MARSHALL



## TABLE OF CONTENTS

It is a tremendous honor to serve as Alabama's new Attorney General. For 16 years, I protected the people of Marshall County as district attorney, fighting for the victims of crime and upholding the law. As your Attorney General, I pledge to bring that same level of commitment to the people of Alabama.

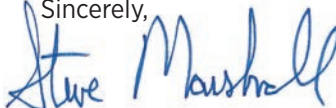
Over the last year, the professional team of lawyers, investigators and staff of the Alabama Attorney General's Office has worked tirelessly to ensure that your interests as citizens of Alabama are protected. To highlight a portion of our activities on your behalf, our Public Corruption team prosecuted cases in which a [sitting governor pleaded guilty to charges of misusing campaign funds](#) and resigned from office, a [newly-elected district attorney was found guilty of first-degree perjury](#), and a [mayor pleaded guilty to a felony violation of the Alabama Ethics Act](#).

Our Constitutional Defense attorneys [won a major case against CSX Railroad that could lead to the recoupment of more than \\$10 million in unpaid taxes for Alabama's Education Trust Fund](#), and they successfully defended Alabama's PAC-to-PAC Transfer ban.

The Consumer Interests Division [recovered over \\$8.6 million in relief for Alabamians victimized by fraud](#), while the Medicaid Fraud Control Unit [secured over \\$1 million in stolen Medicaid funds](#) meant to serve the most vulnerable of our state. Criminal Trials and Appeals attorneys were also busy prosecuting hundreds of cases and successfully upholding hundreds of sentences throughout the state. Our General Civil Division expended over 4,900 hours representing state regulatory boards and commissions in court, while the Victim Assistance Office served more than 1,100 crime victims.

During 2017, the Attorney General's Office also hosted our annual statewide Law Enforcement Summit and personally presented Safe School Awards to nine winning schools from the Tennessee Valley to the Gulf Coast.

The Attorney General's Office is Alabama's law firm and we are honored to serve you.

Sincerely,  
  
Steve Marshall

3	PUBLIC CORRUPTION
4	KEY LEGISLATION PASSED
5	FEDERAL LAWSUITS
6	MEDICAID FRAUD CONTROL UNIT
7	CONSTITUTIONAL DEFENSE
8	CONSUMER INTEREST
9	INVESTIGATIONS
10	CRIMINAL TRIALS
10	CRIMINAL APPEALS
11	CAPITAL LITIGATION
11	CRIME VICTIMS
12	GENERAL CIVIL
13	OPINIONS
13	OPIOID COUNCIL
14	LAW ENFORCEMENT SUMMIT
14	ALABAMA FALLEN OFFICER MEMORIAL
15	SAFE SCHOOL AWARDS



## PUBLIC CORRUPTION

The Alabama Attorney General's Office Special Prosecutions Division ("SPD") is the State's watchdog against public corruption. SPD investigators and prosecutors work diligently to uncover crimes involving the breach of public trust by public officials and employees. The Division's highly qualified team has many years of state and federal experience successfully prosecuting corruption and other complex criminal matters.

### STATE V. CHARLES TODD HENDERSON

In October, Charles Todd Henderson, who was elected District Attorney of Jefferson County, was found guilty of first-degree perjury by a Jefferson County jury. The conviction arose from testimony Henderson gave before his election in a divorce case in which he previously served as a guardian ad litem for a child. The court removed Henderson as the GAL. He later testified falsely in the trial of the divorce that he had not stayed the night at the home of the child's mother, with whom he had an undisclosed relationship. As a result of Henderson's conviction, he was removed from office, and Governor Ivey appointed his replacement on November 29, 2017.

*Attorney General Steve Marshall said, "As Attorney General, and as a former District Attorney, I have a special appreciation for the requirement that witnesses be truthful in court proceedings. Those persons who violate the obligation to provide truthful testimony, especially those who are in a position of public trust, may expect to be held accountable. I want to express special appreciation for the jury's hard work, and for the hard work of those in my Special Prosecutions Division."*



Charles Todd Henderson

### STATE V. WALTER HILL

In January, Walter S. Hill, the former Mayor of Mosses (Lowndes County), pleaded guilty to a felony violation of the Alabama Ethics Act in the Circuit Court of Montgomery County. Hill resigned from office as part of his plea agreement with the State. He admitted using his office for personal gain, which included using Town of Mosses funds to make his child support payments, creating fraudulent records in an attempt to conceal his theft, depositing unauthorized Town of Mosses payroll checks into his personal bank account, issuing himself additional monthly stipends and reimbursement payments without approval, and improperly issuing himself multiple other checks on the Town of Mosses' account. Former Mayor Hill was ordered to pay \$25,370.37 in restitution. He served three months of his prison sentence before being placed in Community Corrections.

### STATE V. KIMBERLY SMITH

In October, Kimberly Smith, a former Magistrate for the City of Eufaula Municipal Court, pleaded guilty in the Barbour County Circuit Court to three felonies: an Ethics Law violation, computer tampering, and theft of property in the first degree. Smith pocketed \$83,301.25 from the City of Eufaula over a two-year period by altering computer records to steal money the City received from parking fines and other municipal violations. Smith was sentenced to three years in prison, with the sentence split to serve twelve months. A probation hearing was set for a later date. She was also ordered to pay full restitution to the City.

### STATE V. ROBERT BENTLEY

In April, former Alabama Governor Robert Bentley pleaded guilty to knowingly converting campaign contributions to personal use and failing to file a major contribution report. As part of the plea agreement, Bentley agreed to resign from office immediately. Among other things, the plea agreement required Bentley to pay fines totaling \$7,000; reimburse his campaign; and surrender all campaign funds—about \$36,912.40—to the State of Alabama. As a condition of his probation, Bentley was required to complete 100 hours of community service as a licensed physician. He is barred from seeking or serving in any public office. Finally, he waived any benefits to which he would otherwise be entitled as a former Governor. This case was the result of a special grand jury investigation conducted by the Special Prosecutions Division under the direction of Special Assistant Attorney General Ellen Brooks.

*During the press conference announcing Governor Bentley's guilty plea, Special Assistant Attorney General Ellen Brooks observed, "I am hopeful that tomorrow is a new day for the state of Alabama and that this sends a message to all public officials and want-to-be public officials: follow the law. It's extremely simple: just do what's right."*



Special Assistant Attorney General Ellen Brooks speaks to the media following the guilty plea of former Governor Robert Bentley. (Photo-WSFA TV News)

# ATTORNEY GENERAL-SUPPORTED LEGISLATION PASSED INTO LAW

Attorney General Marshall worked with the Alabama Legislature in 2017 to secure passage of legislation streamlining lengthy death row appeals, modernizing sex offense laws to protect the vulnerable, and providing State investigators with strong tools to stop costly Medicaid fraud.

## LEGISLATION

**FAIR JUSTICE ACT** Requires defendants who have been sentenced to death to seek appeals based on claims of ineffective counsel or jury misconduct (Rule 32 post-conviction relief) at the same time as they seek their direct appeal.

*"I appreciate Rep. Lynn Greer's effort in guiding the Fair Justice Act through the House," said Attorney General Marshall. "There is no doubt that Alabama's system for reviewing capital cases is inefficient and in need of repair. The average death row inmate appeal time is over 15 years and rising." AG Marshall, May 16, 2017*

*"It took dedication on the part of many who have been involved to bring this bill forward and successfully guide it through a complicated legislative process. We particularly appreciate Senator Ward's dedication to seeing the bill through the final step this morning. We look forward to its enactment so that death row appeals now may proceed in a fair and efficient manner that does not prolong the suffering of victims but that provides justice to all parties." AG Marshall, May 18, 2017*



Attorney General Steve Marshall joins Governor Kay Ivey, Rep. Lynn Greer, Sen. Cam Ward, Barry Matson of OPS, and other officials at the signing ceremony of the Fair Justice Act, June 29, 2017.

**STRENGTHENING ALABAMA SEX OFFENSE LAWS** Updates Alabama's sexual offense laws to keep pace with changes in technology and criminal activity.

*"I appreciate the leadership of Senator Figures, Representative Wood, and all members of the Legislature who played a role in bringing this important legislation to fruition. This legislation gives Alabama prosecutors one more tool to protect our children and other vulnerable persons from the devastating effects of sexual misconduct." Attorney General Marshall also thanked the Office of Prosecution Services and the State's district attorneys, heralding them "for recognizing the need for this law and for their steadfast dedication to protecting the people of Alabama." AG Marshall, May 31, 2017*

**MEDICAID FRAUD PREVENTION ACT** Provides State investigators with the ability to combat costly Medicaid fraud committed by a corporation or partnership. Over the last six years, the Attorney General's Medicaid Fraud Control Unit has returned over \$86 million to the Medicaid program.

*"The passage of SB 85 finally provides State investigators with the ability to combat Medicaid fraud committed by a corporation or partnership. Previously, Alabama could only charge individuals with Medicaid fraud. This new legislation also clarifies that Medicaid fraud is a Class C felony and extends the statute of limitations to six years, bringing it in line with a majority of states. I want to thank Senator Trip Pittman for sponsoring this legislation and for the Legislature's swift approval." AG Marshall, March 8, 2017*

**NON-FUGITIVE EXTRADITION UPDATE ACT** Toughens Alabama law to allow extradition of 'non-fugitive' persons who commit acts in Alabama which result in crimes in other states, such as identity theft and fraudulent use of a credit card. Puts Alabama on par with most other states in pursuing charges against out-of-state criminals.

*"I wish to thank Senator Phil Williams and Senator Roger Smitherman for sponsoring this bill in the Senate and Rep. Allen Treadaway for spearheading its passage in the House." AG Marshall, March 8, 2017*

## ENFORCING ALABAMA'S GUN LAWS

Ala. Code § 13A-11-61.3 charges the Attorney General with investigating formal complaints about violations of Alabama's firearms law by state government entities. The statute also empowers him to compel compliance by filing suit. During 2017, nearly 40 complaints were investigated by the Attorney General's Office with at least 19 resulting in changes to "no-firearms" signs in public places.



## FEDERAL LAWSUITS PROTECTING THE RULE OF LAW

The Attorney General's Office fought to uphold the rule of law and to limit federal overreach through filings with the Supreme Court of the United States, the Federal Courts of Appeal, the Alabama Supreme Court, and other appellate courts.

### ALABAMA WINS UNANIMOUS U.S. SUPREME COURT RULING

On November 6, 2017, the U.S. Supreme Court unanimously upheld a State court decision in *Madison v. Dunn* that Alabama death row inmate Vernon Madison is competent to be executed for the 1985 murder of a Mobile police officer. Madison has been on death row for 32 years. In its decision, the Supreme Court overturned a federal appeals court ruling against the State.

*"This is but the latest example of the U.S. Supreme Court overturning an 11th Circuit Court ruling blocking an Alabama execution," added Attorney General Marshall. "Hopefully, the Supreme Court's wisdom will continue to prevail and allow Alabama executions to go forward."*

### ROLLING BACK EPA CLEAN POWER PLAN

On March 28, 2017, President Trump signed an executive order to ease federal regulation by the Environmental Protection Agency of power plant emissions, known as the Clean Power Plan. The Trump administration decision to begin the process of rolling back the costly Clean Power Plan came just over a year after the U.S. Supreme Court halted the Obama administration from enforcing its overreaching plan, while Alabama and 24 other states continue to challenge the legality of the EPA rule in federal court

*"The so-called Clean Power Plan was an unlawful, job-killing extension of the EPA's authority under President Obama," said Attorney General Marshall. "It was stayed by the U.S. Supreme Court in a lawsuit filed by the State of Alabama and others, and I am pleased that President Trump has ordered that it be reviewed."*

### REPEAL OF EPA WATERS OF THE U.S. RULE

On June 27, 2017, U.S. Environmental Protection Agency Administrator Scott Pruitt signed a notice to withdraw the unpopular and unconstitutional Waters of the U.S. Rule which began under President Obama. The WOTUS rule asserts sweeping federal authority over usually dry channels, roadside ditches, and isolated streams as well as land covered by water only once in one hundred years. Alabama was among 11 states to file suit against the EPA over the WOTUS Rule in June of 2015. In October 2015, the U.S. Circuit Court of Appeals for the Sixth Circuit granted a nationwide stay of the Rule.

*"Our States won a nationwide stay blocking enforcement of the rule and allowing the new administration time to work on withdrawing the Rule," said Attorney General Marshall. "We look forward to EPA's final action withdrawing the WOTUS Rule and providing relief for our States and their citizens."*

### REPEAL OF DACA PROGRAM

On September 5, 2017, President Trump announced his decision to end the unlawful Deferred Action for Childhood Arrivals (DACA) program which was implemented by an Obama administration memo in 2012. The DACA program, which granted legal presence and work eligibility to hundreds of thousands of otherwise unlawfully present aliens, usurped the authority of Congress and faced legal challenge by a coalition of 10 states including Alabama.

*"The Trump administration's action is a victory for the Constitution and the rule of law and it restores Congress's rightful role in overseeing U.S. immigration policy," said Attorney General Marshall. "Only the legislative branch of the federal government can decide whether programs like DACA should become immigration law. That question is now back in the hands of Congress."*

### REPEAL OF TRANSGENDER RESTROOM MANDATE

On February 22, 2017, the Trump administration rescinded the Obama administration's "significant guidance letter" on school restroom and locker room access. On March 3, 2017, the U.S. Justice Department announced its decision to drop its appeal of a nationwide injunction of the federal directive. As a result of these federal actions, Alabama and 12 other states were able to dismiss their lawsuit against the federal government on this issue.

*"I am pleased to announce that Alabama has officially won the battle in protecting the privacy of our students and upholding the rights of our local schools to oversee student safety," said Attorney General Marshall. "School administrators, teachers and parents should hold the right to determine policies governing student access to intimate areas like restrooms and locker rooms, not federal bureaucrats who seek to rewrite the law."*



# MEDICAID FRAUD CONTROL UNIT

The Attorney General's Office Medicaid Fraud Control Unit investigates and prosecutes fraud committed by Medicaid providers against the Alabama Medicaid Program. Additionally, the Unit pursues cases of abuse, neglect, and financial exploitation of residents in long-term care facilities that receive Medicaid funding. The Unit receives 75% of its funding from the U.S. Department of Health and Human Services, with the State contributing the remaining 25% in matching funds.

## KEY CASES

>> Catrina R. Copeland, of Dothan, was sentenced to five months in prison and five months of home confinement on April 12, 2017 for defrauding the Alabama Medicaid Agency and the federal government. Copeland was the owner of The Counseling Place, a Dothan company that contracted with the Alabama Medicaid Agency to provide counseling services to at-risk youth. Records indicate that the Counseling Place received most of its business through referrals from schools and juvenile courts. Copeland also worked for the business as a counselor. An investigation by the Alabama Attorney General's Medicaid Fraud Control Unit found that Copeland was billing the Alabama Medicaid Agency for counseling services that were never actually provided.

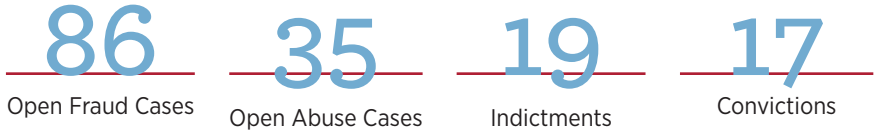
*"Medicaid fraud not only targets taxpayers, but also victimizes the most vulnerable of our state who rely on Medicaid services for their well-being," said Attorney General Steven T. Marshall. "I applaud the partnership of the Alabama Medicaid Agency, the Medicaid Fraud Control Unit of the Attorney General's Office and the U.S. Attorney's Office for working as a team to secure a conviction in this case. Medicaid fraud will not be tolerated and those who commit such crimes will be held to account."*

>> Victor Paul Williams, of Leeds, was convicted on April 21, 2017 for filing false claims with the Alabama Medicaid Agency and for theft of property in the first degree. The case was referred to the Attorney General's Medicaid Fraud Control Unit (MFCU) by the Alabama Medicaid Agency's Program Integrity Division after an audit revealed discrepancies in Williams' billing. Evidence presented at trial established that Williams perpetrated a scheme to bill the Alabama Medicaid Agency for more than \$40,000 for counseling services that were never provided, and then attempted to conceal the fraud by manipulating treatment records. Williams had several contractors providing the actual services; however, he was billing for far more services than these individuals were actually performing.

*"This defendant not only defrauded and stole from the State of Alabama, but also from those who depend on the Medicaid Agency for necessary care," said Attorney General Marshall. "Fortunately, the vigilance of the Medicaid Agency's Program Integrity Division led to his crimes being uncovered. I am also pleased that the steadfast work by my Medicaid Fraud Control Unit resulted in the successful prosecution of this case."*

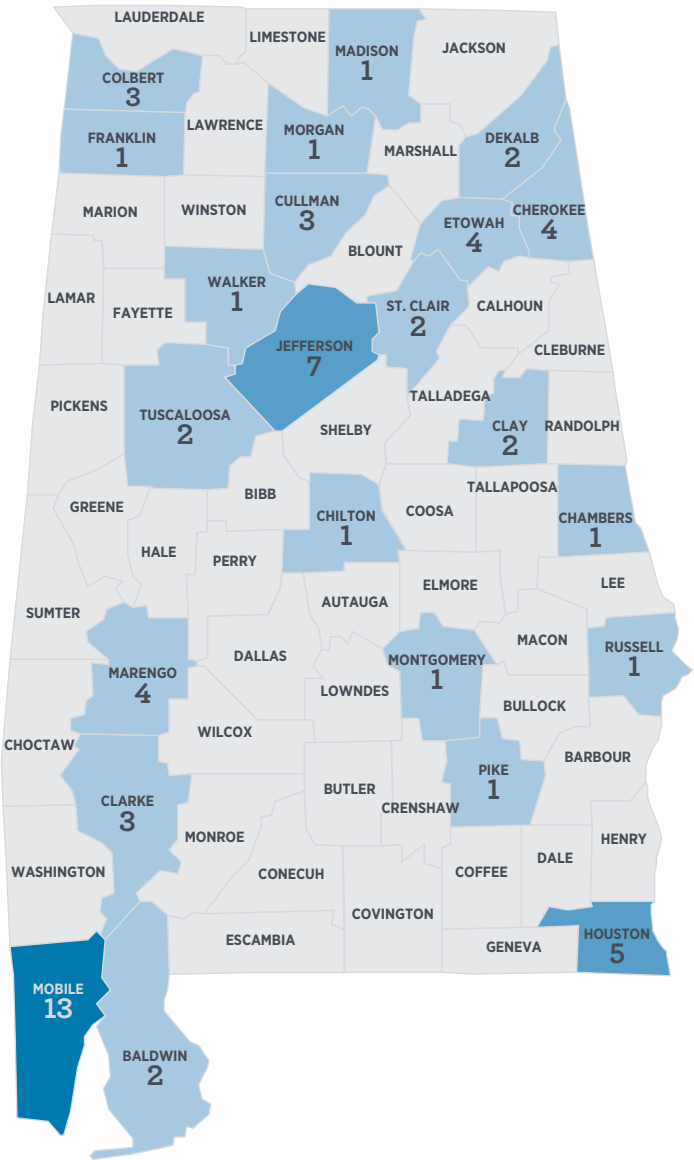
## QUICK FACTS

INVESTIGATIONS IN 23 COUNTIES  
PROSECUTIONS IN 17 COUNTIES



**\$1,105,403** RECOVERED

## INVESTIGATIONS BY COUNTY



## CONSTITUTIONAL DEFENSE

The Constitutional Defense Section handles complex civil lawsuits filed against state agencies and officials in state and federal court, primarily lawsuits involving challenges to Alabama laws and policies. One example is a federal lawsuit challenging the Legislature's drawing of the state's legislative districts. In 2017, Section attorneys defended this and other lawsuits, including such diverse areas as Alabama's PAC-to-PAC transfer ban and the state's Uniform Minimum Wage Act.

### ALABAMA'S LEGISLATIVE DISTRICTS UPHELD

Two sets of plaintiffs challenged Alabama's Senate and House district lines. In January 2018, a three-judge federal court rejected most of the plaintiffs' claims, but held that three Senate districts and nine House districts were racially gerrymandered. The Legislature redrew the Senate and House plans. One set of plaintiffs had no objection to the revised plans. The Alabama Legislative Black Caucus plaintiffs objected to three redrawn districts affecting Jefferson County. In October, the court rejected the ALBC objections and the motion of two voters to intervene. The court's decision ended the litigation over the validity of the districts and allows for the use of the redrawn districts in the upcoming 2018 elections.

*"I am glad that this litigation has come to an end, and the State house and senate districts that the Alabama Legislature enacted this year have withstood legal challenge," said Attorney General Steve Marshall. "This court decision should remove any uncertainty over the status of these legislative districts."*

### ALABAMA MINIMUM WAGE LAW UPHELD

In February, a federal court dismissed a lawsuit that challenged the Alabama Uniform Minimum Wage and Right-to-Work Act. The Act was passed in 2016 following efforts by the City of Birmingham to set a local minimum wage and rumblings that other cities would soon follow suit. Language within the law stated that its purpose was "to ensure that [labor] regulation and policy is applied uniformly throughout the state." Several groups and individuals subsequently filed a lawsuit in the U.S. District Court for the Northern District of Alabama, asserting numerous claims of racial discrimination. The court dismissed each of those claims and entered judgment for the State. Plaintiffs have appealed. Oral argument is expected to be held in the spring.

### ALABAMA WINS VICTORY IN CSX FUEL TAX LAWSUIT

In March, the U.S. District Court for the Northern District of Alabama dismissed a lawsuit filed by CSX challenging the application of Alabama's four percent sales tax to CSX's diesel fuel purchases. The ruling could send more than \$10 million in unpaid taxes to Alabama's Education Trust Fund. CSX argued that it was being discriminated against because trucking companies and interstate barges were not subject to the state tax. However, the court ruled that trucks and interstate barges already paid other fuel sales taxes and CSX was not being harmed by the four percent diesel fuel sales tax. CSX has appealed and oral argument was held in October. Section attorneys were joined by lawyers from the Alabama Department of Revenue in defending the near decade-long case.

*Attorney General Marshall recognized that years of litigation have resulted in millions of dollars being withheld from Alabama's public schools. He said, "Everyone in this state benefits from stronger schools, so everyone, including railroad companies, needs to pay their fair share of taxes to support our schools."*

### U.S. SUPREME COURT DENIES CHALLENGE TO STATE PAC-TO-PAC TRANSFER BAN

In April, the U.S. Supreme Court rejected a challenge to Alabama's 2010 law banning the transfer of campaign funds between political action committees (PACs). The decision follows a September 2016 ruling from the U.S. Court of Appeals for the Eleventh Circuit that upheld the State law. This statute, defended by Section attorneys, supports the ability of the public to know who is funding political campaigns.

*"Alabama's legal battle to fight political corruption gained a tremendous boost from the U.S. Supreme Court's decision to deny a challenge by the*

*Alabama Democratic Conference against the State's PAC-to-PAC transfer ban," said Attorney General Marshall. "Alabama's PAC-to-PAC transfer ban continues to be a vital tool in combating campaign corruption by removing barriers to transparency and the sources of political funds. The Supreme Court decision to deny a challenge to the law should send notice to all that Alabama will not tolerate political corruption."*

### FEDERAL COURT DISMISSES CHALLENGE TO PHOTO ID LAW

On January 10, 2018, the U.S. District Court for the Northern District of Alabama dismissed the lawsuit filed by Greater Birmingham Ministries, Alabama NAACP and individual plaintiffs against Alabama's Voter ID law.

*Attorney General Marshall observed, "Alabama's voter identification law is one of the broadest in the nation with procedures in place to allow anyone who does not have a photo ID to obtain one. The court order makes this point exceedingly clear: '...a person who does not have a photo ID today is not prevented from voting if he or she can easily get one, and it is so easy to get a photo ID in Alabama, no one is prevented from voting.'"*

### JUDICIAL ELECTIONS AND FELON VOTING

Plaintiffs have challenged Alabama's method of **electing judges to appellate courts statewide**. The Supreme Court of Alabama and the Courts of Civil and Criminal Appeals issue decisions that impact the entire State and are currently answerable to the State's voters. Plaintiffs want these judges to be elected by districts. The case is in its beginning stages and is scheduled for trial in the fall.

Plaintiffs filed 15 claims against Alabama's rules concerning **felon voting** in Fall 2016. During the 2017 Legislative Session, Act No. 2017-378 was enacted to establish a comprehensive list of felonies that involve moral turpitude and thus prevent someone from voting. Plaintiffs responded by moving for a preliminary injunction, and Section attorneys successfully defended against that motion in July. In December, the federal court dismissed 10 of the plaintiffs' claims (including five which it said were mooted by the new legislation) and determined that the remaining five claims would go forward.

# CONSUMER INTEREST

The Consumer Interest Division provides consumer education, processes consumer complaints, and mediates retail-based disputes between consumers and businesses. When mediation is unsuccessful or justice demands further action, the Division may initiate Deceptive Trade Practices Act (DTPA) civil litigation seeking injunctive relief, civil penalties, and monetary damages for affected consumers. DTPA prosecutions may be conducted independently within Alabama or in concert with consumer protection offices in other states. In cases of egregious consumer abuse, criminal charges may be brought to protect the rights of consumers.

## CONSUMERS FILED 2,967 CONSUMER COMPLAINTS DURING 2017.\* TOP FIVE:

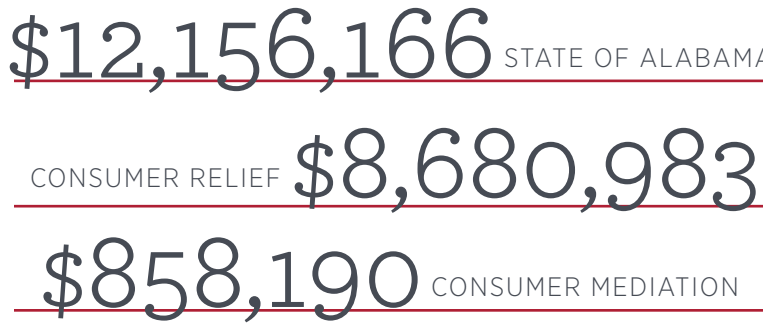


\*496 Out-of-State Complaints

## KEY CONSUMER CASES IN 2017

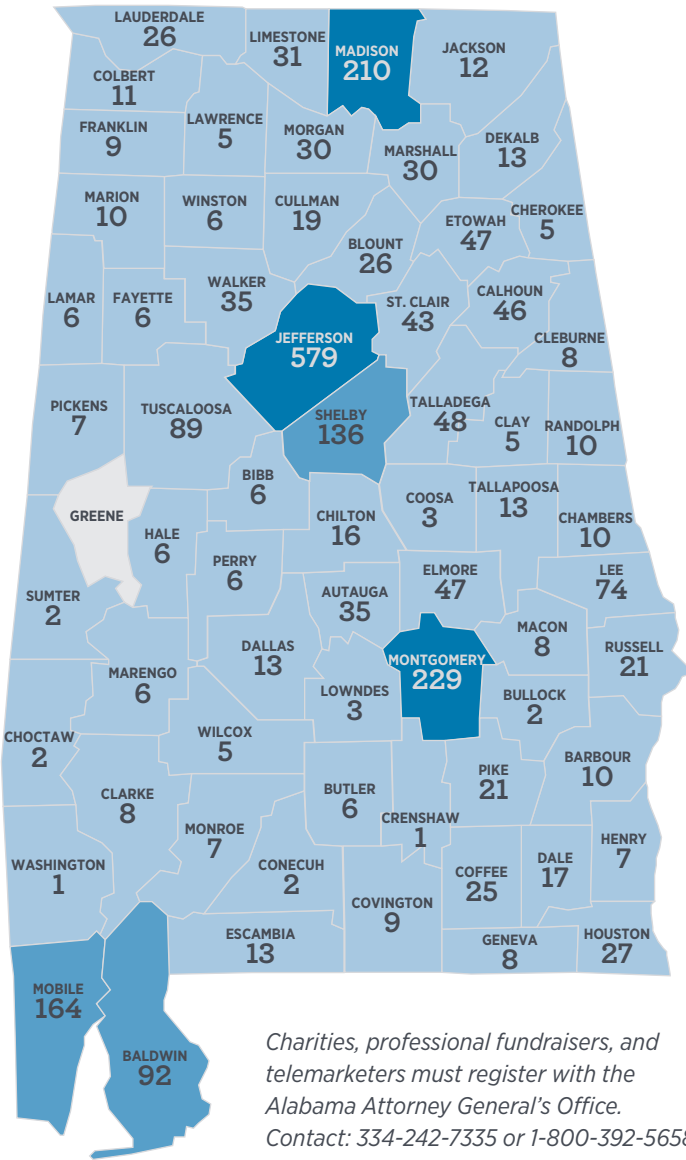
**TROTHSOLUTIONS ORDERED TO CLOSE** General Steve Marshall announced that the State of Alabama and the U.S. Federal Trade Commission (FTC) obtained an order halting a technical support scam that tricked consumers, many of whom were elderly, into believing their computers were infected with viruses or malware. Consumers were then charged them hundreds of dollars for unnecessary repairs made by technicians who falsely claimed to be certified by Microsoft or Apple. The FTC and the State of Alabama jointly filed a complaint in the U.S. District Court for the Northern District of Alabama against Trothsolutions, Inc., and defendants Madhu and Ila Sethi, a husband and wife who operated the business out of their home in Boca Raton, Florida, and had offices in Birmingham. According to the State's complaint, the defendants fraudulently collected at least \$2 million from consumers nationwide. This case was part of a major international crackdown on tech support scams called Operation Tech Trap, announced in partnership with the FTC and other federal and state agencies.

## FUNDS RECOVERED



**PLUMBING 911 SHUTDOWN** In October, Attorney General Marshall announced that a Jefferson County plumbing company was permanently closed by court order. Plumbing 911 Inc. was ordered to cease any plumbing and gas services, and its owner had to surrender his State license and will never again work in the plumbing and gas industry in Alabama. The Attorney General's Consumer Interest Division's action resulted from repeated violations by Plumbing 911, despite an earlier settlement agreement with the Attorney General's Office and the Alabama Plumbers and Gas Fitters Examining Board that required the company to reform its unscrupulous business practices. The Attorney General's Consumer Interest Division continued to receive serious complaints about overpricing and substandard work that was not compliant with plumbing and gas codes. The Attorney General's Office conducted an investigation and subsequently filed a motion for the permanent injunction that was granted by the Jefferson County Circuit Court.

## CONSUMER COMPLAINTS BY COUNTY



Charities, professional fundraisers, and telemarketers must register with the Alabama Attorney General's Office. Contact: 334-242-7335 or 1-800-392-5658.



# INVESTIGATIONS

The Investigations Division of the Attorney General’s Office investigates a variety of criminal matters, including white collar crimes of fraud, embezzlement and large-scale theft, as well as, “cold” cases of unsolved homicides, rapes, and other violent crimes. Many of these investigations are conducted independently, but some are handled in collaboration with other local, state, and federal law enforcement agencies. The Division also has a special agent assigned full-time to the local High Intensity Drug Trafficking Area (HIDTA) task force.

## INVESTIGATIVE HIGHLIGHTS

>> On April 13, 2017, agents of the Alabama Attorney General’s Office were contacted by the Southside Police Department about a possible gas pump skimmer. With the assistance of a local financial institution, law enforcement agents traced the skimming to an area gas station. After securing surveillance video, agents were able to obtain the license plate number of the suspects and tracked them to Georgia. Janique Shontie Crafter, of Macon, Georgia, was taken into custody by the Bibb County, Georgia, Sheriff’s Office where she was arrested\* and charged with financial transaction card fraud forgery and financial identity fraud. Authorities in Alabama and Georgia identified the second suspect as James Edward Faulks, II, of Macon, Georgia. Faulks, who is also wanted in Georgia on previous warrants, remains at-large at this time.



On May 2, 2017, Attorney General Marshall, along with Southside Chief of Police Chris Jones, Etowah County District Attorney Jody Willoughby and U.S. Secret Service Special Agent in Charge Michael Williams announced an arrest and an arrest warrant for an additional suspect in a multi-state debit card skimming operation that stole over \$43,000 from debit card holders in Alabama and three other states. Seven banks and more than 300 individuals in Alabama, Georgia, Mississippi and Colorado are believed to have been victimized by the skimmers.

>> On March 15, 2017, Attorney General Marshall announced the arrest of Conecuh County Commissioner John William Andrews Jr. for six counts of unlawful distribution of marijuana, a controlled substance. Special agents with Attorney General Marshall’s office sought arrest warrants\* after a joint investigation with the FBI revealed evidence that Andrews made multiple sales of illegal controlled substances in Conecuh County. These transactions led to the multiple arrest warrants issued and executed. If convicted, Andrews faces a maximum penalty of two to 10 years of imprisonment for each of the counts, which are class B felonies. Furthermore, Section 36-9-2 of the Code of Alabama states that when an officeholder is convicted of a felony, the office is vacated from the time of conviction.

>> On November 30, 2017, Jennifer Flynn Cataldo of Sterrett, pleaded guilty in Shelby County Circuit Court to two counts of first-degree theft of property by deception for fraudulently soliciting \$38,080 from two GoFundMe accounts while falsely claiming to have cancer. She was sentenced to serve two years in prison and her sentence will run concurrent with her federal sentence of 25 months. The State’s case was investigated by the Attorney General’s Investigations Division and prosecuted by the Attorney General’s Criminal Trials Division. The Attorney General’s Office was assisted in the case by the Shelby County Sheriff’s Office, the FBI and the U.S. Attorney for the Northern District of Alabama.

*\*An indictment or arrest warrant is merely an accusation. The defendant is presumed innocent unless and until proven guilty*

## QUICK FACTS

IMPACT ON ALABAMA: ALL 67 COUNTIES

HIDTA RELATED CURRENCY AND ASSETS  
SEIZED IN 2017

\$208,993

HIDTA RELATED NARCOTIC SEIZURES IN 2017

47

Pounds of Marijuana

33

Pounds of Cocaine

1,473

Prescription and Pharmaceutical

## ATTORNEY GENERAL REGIONAL LAW ENFORCEMENT TRAINING

During 2017, Attorney General Marshall joined with Alabama sheriffs, police chiefs and district attorneys, in holding a series of training sessions across the state to bring local law enforcement up-to-date on the latest practices in investigating and solving crimes.

The law enforcement training, led by the Attorney General’s Office Investigations Division, centered on violent crime investigations, covering the investigation process from start to finish. Local law enforcement learned the latest procedures to secure a crime scene and collect evidence, including digital evidence. The course also focused on search and seizure laws and the writing of search warrants for electronic data. Law enforcement also learned best practices in keeping and maintaining evidence for cold case investigations.

Since these training sessions began in 2016, more than 545 police officers and sheriff’s deputies from 190 jurisdictions in 37 counties across Alabama and in Tennessee have benefitted from the regional training sessions conducted in Alexander City, Columbiana, Dothan, Florence, Huntsville, Jasper, Mobile, Montgomery, Stapleton, Talladega, and Tuscumbia. Additional participants include ALEA SBI agents, U.S. Department of Defense Security personnel, Military Police, and the FBI.

# CRIMINAL TRIALS

The Criminal Trials Division in the Office of the Attorney General prosecutes cases in courts throughout the State of Alabama. Most of the cases are violent crimes, but the Division also prosecutes thefts from private businesses and other white collar crimes. Generally, the Division prosecutes crimes when district attorneys or law enforcement have conflicts or request assistance to prosecute cases. The Criminal Trials Division is also responsible for prosecuting illegal gambling and pursuing gambling forfeiture actions.

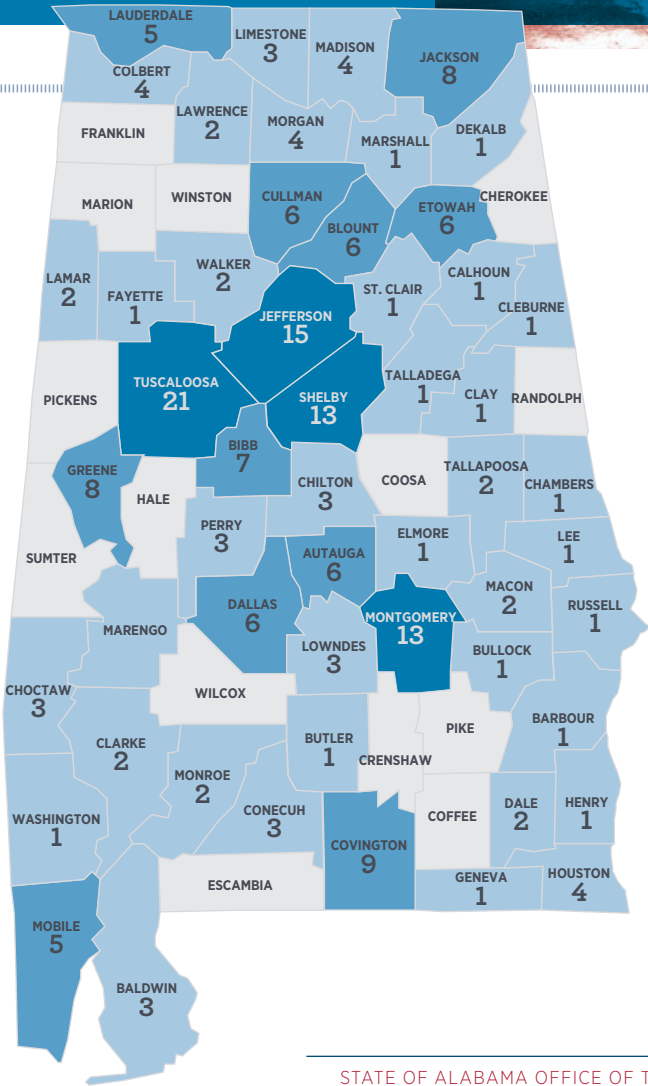
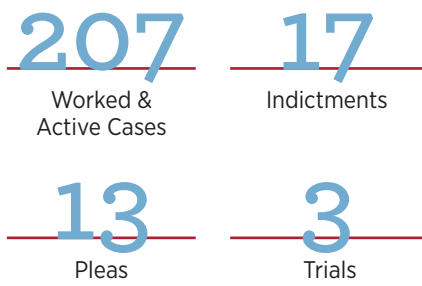
# CRIMINAL APPEALS

In short, the Criminal Appeals Section is the district attorney’s “backstop.” It is the largest section within the Attorney General’s Office and represents the State in all non-death penalty criminal appellate proceedings, typically handling between 1,500 to 1,800 new cases each year. Lawyers in this Section work closely with trial judges, district attorneys, and law enforcement officers to ensure that criminal convictions are upheld. Lawyers also recommend legislation to the Attorney General that will strengthen Alabama’s criminal statutes.

## CASES BY COUNTY

### QUICK FACTS

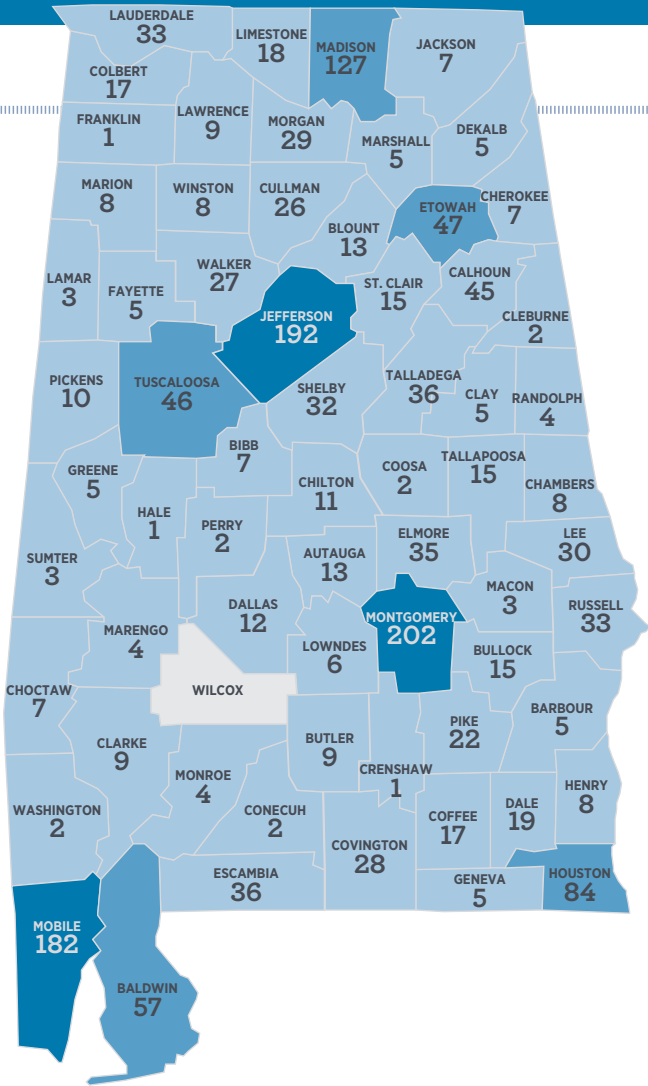
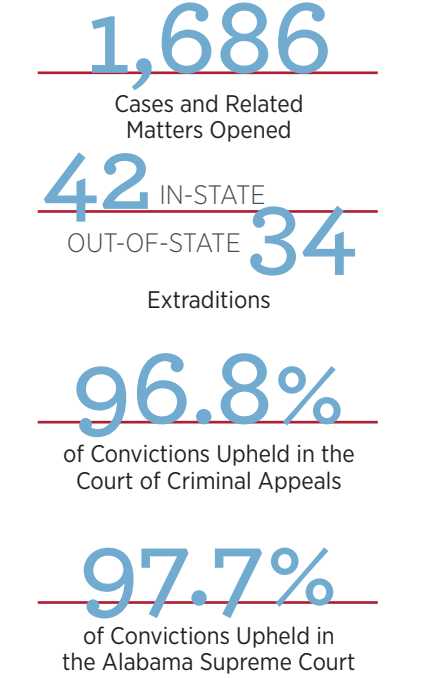
IMPACT ON ALABAMA:  
52 COUNTIES



## CASES BY COUNTY

### QUICK FACTS

IMPACT ON ALABAMA:  
66 COUNTIES

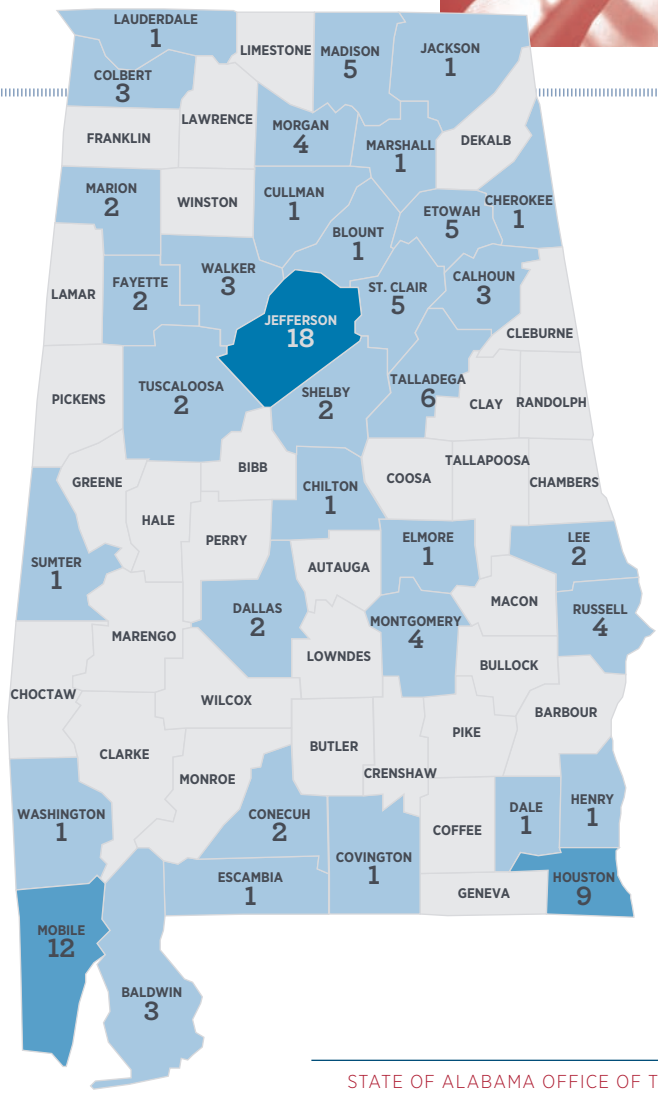
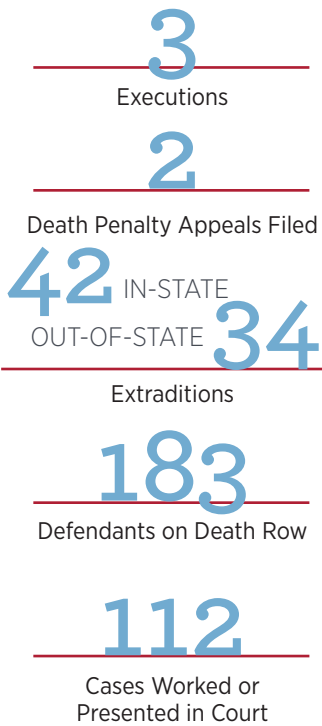


# CAPITAL LITIGATION

The Capital Litigation Section represents the State in all appeals, in both state and federal courts, in which a criminal defendant convicted of capital murder has received a death sentence—including the direct appeal, state post-conviction (Rule 32) proceedings and federal habeas corpus proceedings. During 2017, the Section handled the following:

## ACTIVE APPEALS CASES BY COUNTY

## QUICK FACTS IMPACT ON ALABAMA: 35 COUNTIES



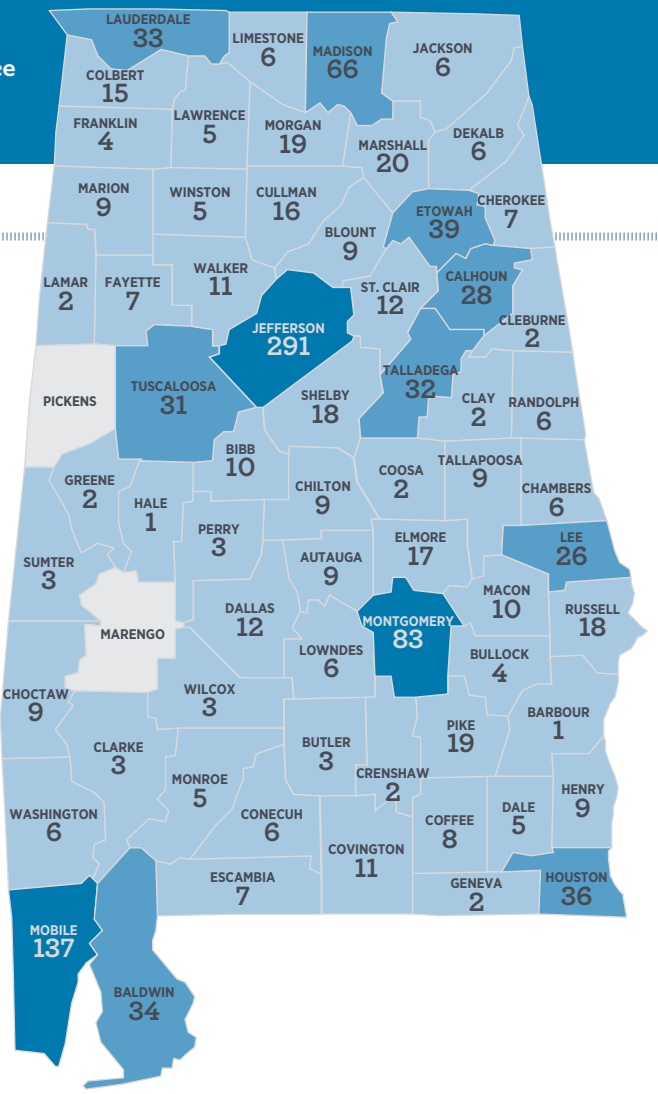
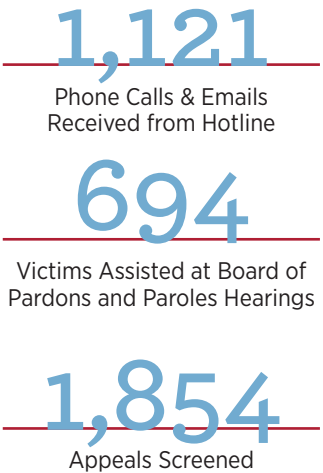
# CRIME VICTIMS

The Attorney General’s Office of Victim Assistance (AGOVA) assists victims of violent crime, providing victims and their families a place to turn before, during, and after their offender’s sentencing. Our goal is to help victims understand the judicial process, advocate on their behalf, and maintain contact with them so that they can remain informed about the case that has impacted their lives. AGOVA delivers direct victim assistance and referrals for victims through our toll-free hotline, 1-800-626-7676. Additional information can be found on the Attorney General’s Office website at

[www.ago.state.al.us/VictimAssistance](http://www.ago.state.al.us/VictimAssistance)  
or via [www.victims.alabama.gov](http://www.victims.alabama.gov).

## CRIME VICTIMS ASSISTED BY COUNTY

## QUICK FACTS IMPACT ON ALABAMA: 65 COUNTIES





# GENERAL CIVIL DIVISION

The General Civil Division provides defenses for state officials, state employees, and state agencies in state, federal, and appellate courts. In 2017, the legal staff expended over 4900 hours defending state employees/officials of the Department of Corrections, the Administrative Office of the Courts, the Department of Human Resources, the Department of Forensic Sciences, various District Attorney’s Offices, as well as the Governor and members of the Legislature, in every stage of litigation and in over 48 court appearances and trials.

Attorneys in the General Civil Division serve as “general counsel” for 49 regulatory boards and commissions and provide counsel to many more. Attorneys in the Division have attended approximately 190 board meetings and prosecuted about 450 disciplinary actions. The Division logged roughly 1,790 hours in this capacity.

The Division’s attorneys participate in NAAG Multistate Antitrust investigations, including participation in approximately 230 multistate conference calls in 2017. The Division reviews all complaints challenging the constitutionality of statutes or having impact on beneficiaries of charitable trusts. It provides initial review and recommendations to the Chief Deputy for dispositions of proposals to file, defend, or settle cases involving any state party.

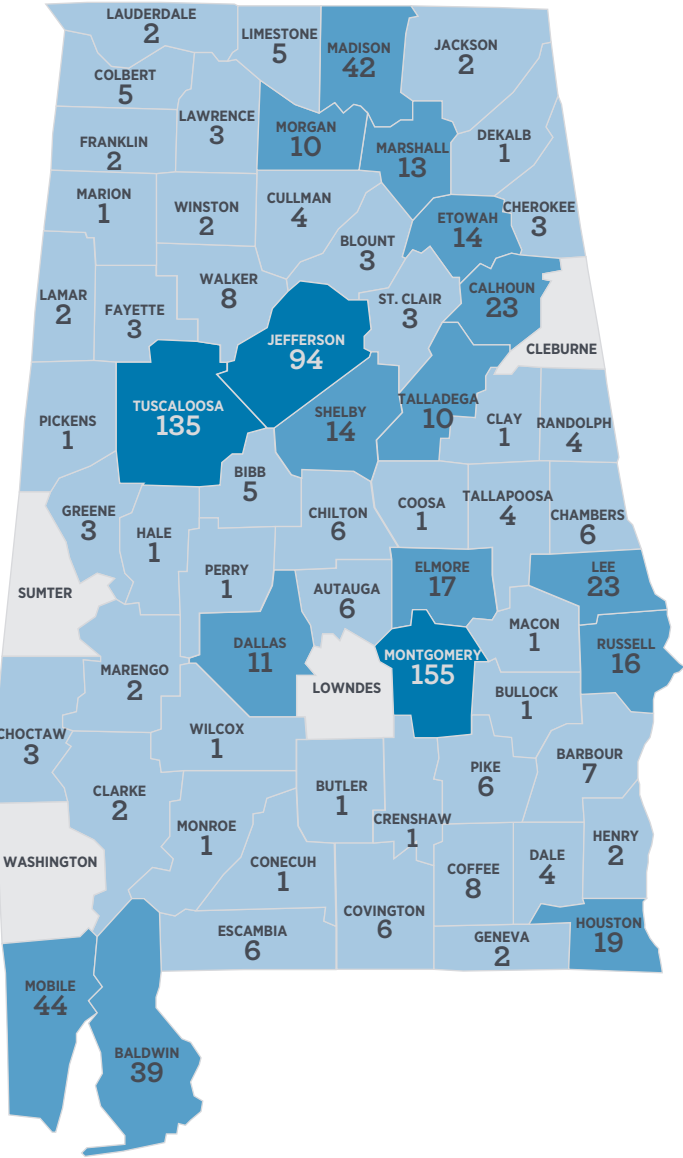
## BOARDS & AGENCIES REPRESENTED

Alabama Athletic Commission (Boxing)  
Alabama Board of Athletic Trainers  
Alabama Outside Wastewater Board  
Architects  
Archives and History  
Armory Commission  
Assisted Living Administrators  
Board of Accountancy  
Board of Cosmetology  
Board of Examiners in Counseling  
Board of General Contractors, Licensing  
Board for Licensure for Professional Geologists  
Commission of Higher Education  
Contract Review Committee  
Court Reporters’ Board  
Dental Scholarship Board  
Department of Early Childhood Education

Dispute Resolution Council  
Educational Television  
Elder Justice Alliance  
Electronic Security Licensure  
Engineers and Land Surveyors  
Examiners of Public Accounts  
Governor’s Mansion Authority  
Hearing Instrument Dealers Board  
Heating and Air Conditioning  
High School Athletic Association  
Historic Iron Works Commission  
Interior Design Board  
Library Services  
Liquefied Petroleum Gas Board  
Marriage & Family Therapy  
Massage Therapy Board  
Military Department

Nursing Home Administrators Board  
Occupational Therapy Board  
Optometric Scholarship Awards  
Peace Officers Benefit & Annuity Fund  
Peace Officers Standards and Training  
Physical Therapy Board  
Private Investigations Board  
Records Commission  
Red Mountain Parkway Commission  
Registrars  
Respiratory Therapy  
Sickle Cell Commission  
Social Worker Examiners  
Soil and Water Conservation Committee  
Tourism and Travel

## CASES BY COUNTY



# OPINIONS

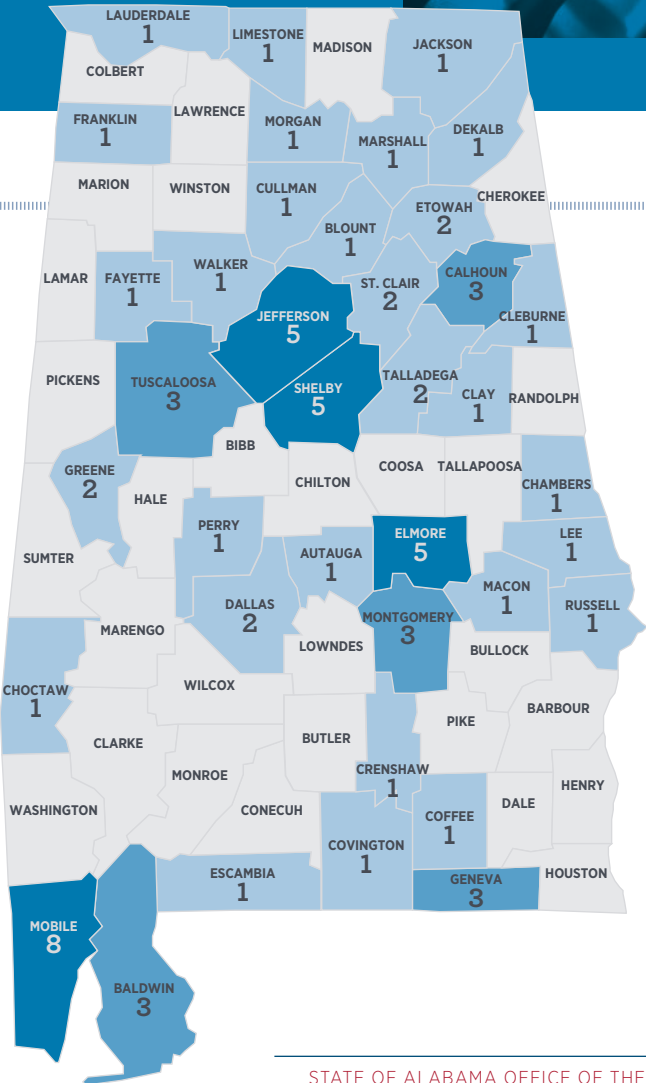
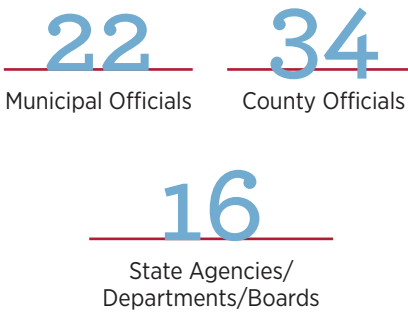
The Attorney General’s Office Opinions Section provides written opinions on questions of law upon receipt of a written request from state departments, agencies, boards, and commissions, as well as authorized local public officials and local governmental entities. The Opinions Section also furnishes opinions to the Chairman of the Judiciary Committee in each legislative house whenever a matter is under consideration by the Committee. A searchable database of all opinions issued from 1979 to the present is also available to the public at [www.ago.state.al.us/Opinions.aspx](http://www.ago.state.al.us/Opinions.aspx).

# ALABAMA OPIOID OVERDOSE AND ADDICTION COUNCIL

On August 8, 2017, Governor Ivey signed Executive Order 708 establishing the Alabama Opioid Overdose and Addiction Council to “develop and submit a strategic action plan to the Governor by December 31, 2017, that establishes recommendations for policy, regulatory and legislative actions to address the overdose crisis in Alabama.”

## OPINIONS ISSUED BY COUNTY

## QUICK FACTS 72 OPINIONS WERE ISSUED TO:



Attorney General Steve Marshall hosted three meetings of the Alabama Opioid Overdose and Addiction Council in September, October and December. Marshall is co-chair of the Council, along with Commissioner of the Alabama Department of Mental Health Lynn Beshear and Acting State Health Officer Dr. Scott Harris.

*“Opioid abuse, in the form of prescription opioids and heroin, has reached epidemic levels across the country, and Alabama has more opioid prescriptions per capita than any other state,” said Attorney General Marshall. “Opioid addiction, including the use of deadly drugs like fentanyl, is killing Alabamians, destroying families and placing others, including law enforcement, at risk. This crisis can no longer be ignored. I am committed to working with fellow members of the Council to develop a comprehensive strategy to save lives by reducing and combating opioid addiction and promoting safer methods of pain management. Our work will not be easy, but it must be undertaken with urgency. I look forward to joining in this effort to remove the destructive scourge of opioid addiction from our state.”*

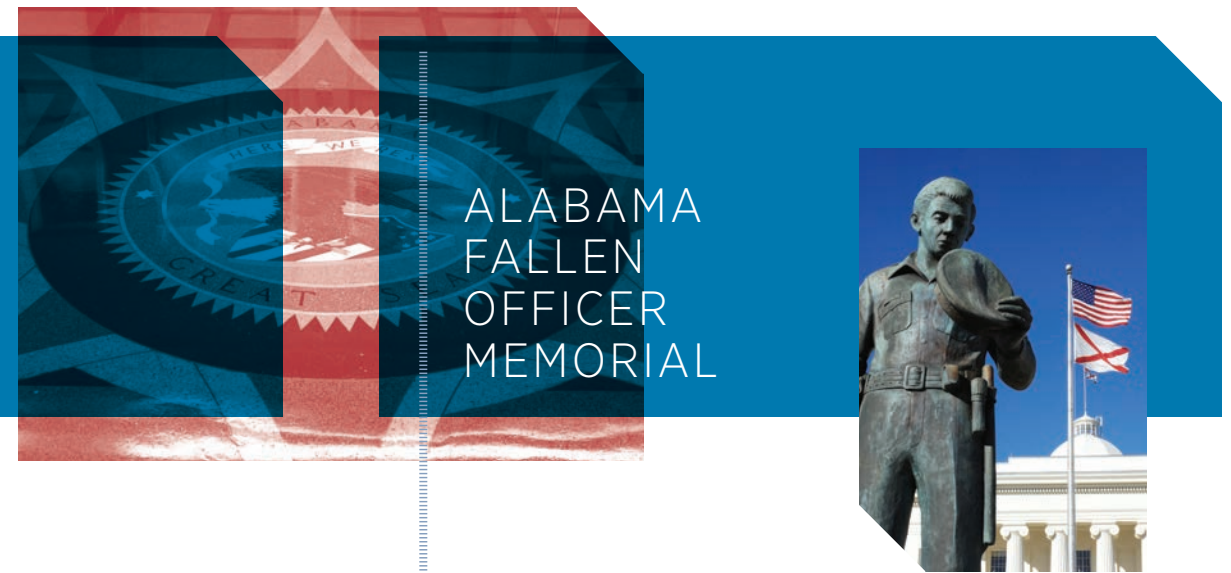


Attorney General Steve Marshall addresses the December 5, 2017, meeting of the Alabama Opioid Overdose and Addiction Council. The Council presented its strategic action plan to Governor Ivey on December 31, 2017.



# ATTORNEY GENERAL'S 18TH ANNUAL LAW ENFORCEMENT SUMMIT

Attorney General Steve Marshall led the 18th annual Attorney General's Law Enforcement Summit on October 18, 2017 in Montgomery. Approximately 800 law enforcement officials from all over the State of Alabama attended the day of instruction in ongoing and new challenges facing police officers, sheriff's offices and state law enforcement officials.



This year's conference featured courses on cybercrime evidence gathering, law enforcement response to incidents involving mental illness, and best practices in school safety.

"Alabamians can be proud of their local law enforcement's resolve in tackling crime head on and making our communities safer places to live," said Attorney General Steve Marshall. "I have made it a top priority to support our men and women in uniform by bringing training to them in the field and through events like the summit."

A somber highlight of the day came with the commemoration of fallen Alabama law enforcement officers who lost their lives in the line of duty during the past year.

*"We pause to remember those who have given the ultimate sacrifice for public safety," observed Attorney General Marshall. "Let us all be encouraged as we remember and honor their legacy of commitment, dedication and service."*



Attorney General Marshall and Chief Deputy Clay Crenshaw present an Alabama flag and a certificate honoring Deputy Pettway to Lowndes County Sheriff "Big John" Williams.

DEPUTY SHERIFF LEVY PETTWAY of the Lowndes County Sheriff's Office was killed in a single-vehicle crash on April 10, 2017. At the time of the vehicle crash, Deputy Sheriff Pettway was driving to a local hospital where his wife had just been transported for a medical emergency.



Attorney General Marshall and Chief Deputy Clay Crenshaw present an Alabama flag and a certificate honoring Officer Price to Florala Police Chief Sonny Bedsole.

OFFICER THOMAS LANCE PRICE of the Florala Police Department passed away on December 18, 2016. While working late at the police station, he suddenly collapsed and died a short time later at a local hospital.



The Alabama Fallen Officer Memorial stands on the grounds of the State Capitol where it serves as an eternal reminder of the service and sacrifice of the men and women who place their lives in harm's way each day to protect our communities.

*On May 5, 2017, Attorney General Steve Marshall joined Governor Kay Ivey and Alabama Prison Commissioner Jeff Dunn at the Alabama Fraternal Order of Police memorial service in paying tribute to the more than 500 Alabama law enforcement officers who have died in the line of duty over our state's history.*



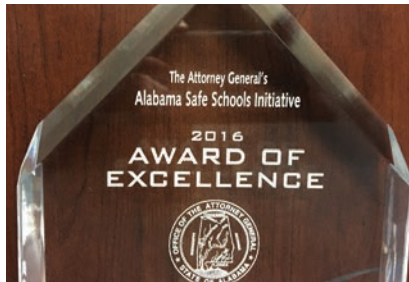
# SAFE SCHOOL AWARDS

In April, Attorney General Steve Marshall announced the winners of the Alabama Safe Schools Awards of Excellence. These annual awards challenge schools to develop technological solutions to address school safety. Schools from all eight Alabama public school districts and three private school regions are judged on their implementation of recommended “Best Practices.”

*“Each day that parents leave their children at school, they are entrusting what they hold most precious into the care of schoolteachers, principals and other staff,” said Attorney General Marshall. “With these awards, we honor those who have achieved particularly high standards and set examples that others may follow. We are grateful for their service and commitment to protecting the children of Alabama.”*



Attorney General Steve Marshall presents an Alabama Attorney General Safe School Award to Coosa Valley Academy Headmaster Pamela Lovelady and Harpersville Mayor Don Greene during a school assembly in April.



## ATTORNEY GENERAL'S SAFE SCHOOLS INITIATIVE AWARD OF EXCELLENCE WINNERS

(Note: No submissions were received from District 4 or Private School Southern Region)

### DISTRICT 1

Orange Beach Elementary,  
Orange Beach, Baldwin County

### DISTRICT 2

Opelika Middle School, Opelika, Lee County

### DISTRICT 3

Helena Middle School, Helena, Shelby County

### DISTRICT 5

Pike County High School, Brundidge, Pike County

### DISTRICT 6

Moody Middle School, Moody, St. Clair County

### DISTRICT 7

Forest Hills Elementary School,  
Florence, Lauderdale County

### DISTRICT 8

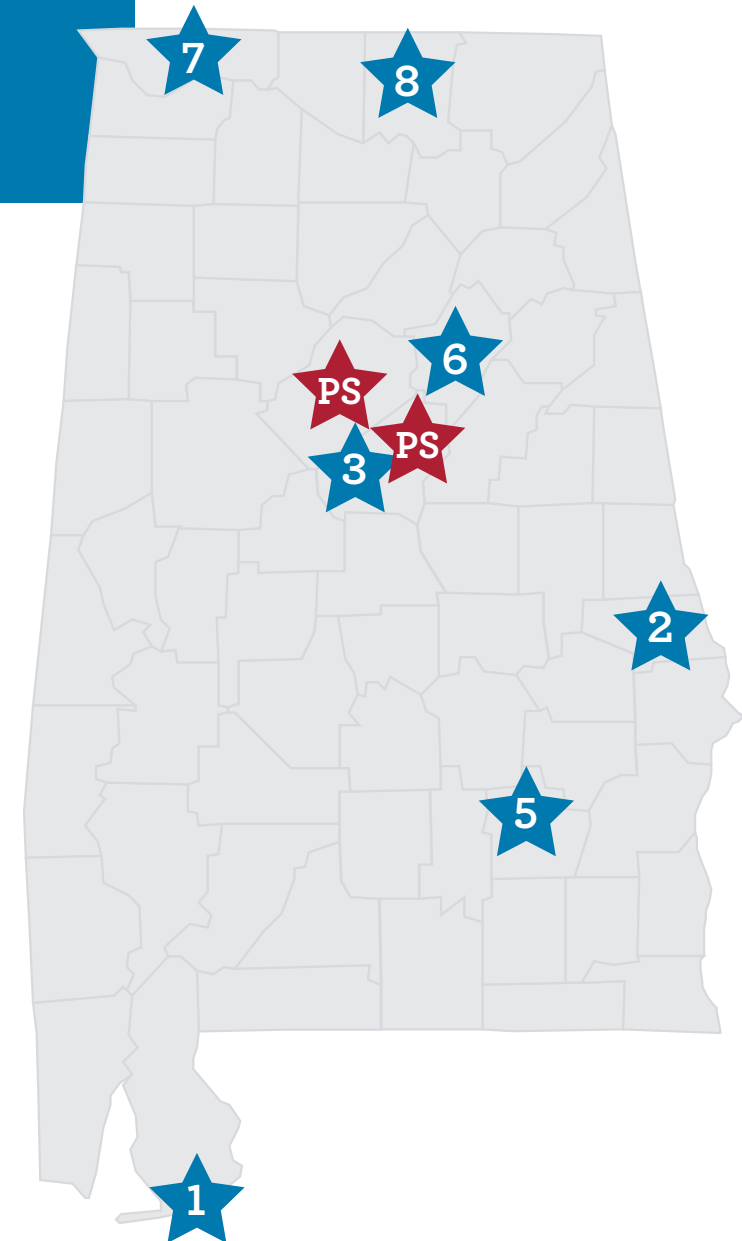
Bob Jones High School, Madison, Madison County

### PRIVATE SCHOOL

Northern Region, Advent Episcopal School,  
Birmingham, Jefferson County

### PRIVATE SCHOOL

Central Region, Coosa Valley Academy,  
Harpersville, Shelby County







**Attorney General Office Contacts**

<b>Main</b>	<b>334-242-7300</b>
Capital Litigation	334-242-7408
Constitutional Defense	334-242-7432
Consumer Protection	334-242-7335 / 1-800-392-5658
Criminal Appeals	334-242-7386
Criminal Trials	334-353-8494
Executive	334-242-7401
General Civil	334-242-7555
Investigations	334-242-7345
Medicaid Fraud	334-353-8793
Opinions	334-242-7403
Solicitor General	334-353-1472
Special Prosecutions	334-353-2128
Victim Assistance	334-242-7342 / 1-800-626-7676



**FOR MORE INFORMATION**

Office of the Attorney General, State of Alabama  
501 Washington Avenue, P.O. Box 300152  
Montgomery, Alabama 36130-0152  
334-242-7300  
[www.ago.state.al.us](http://www.ago.state.al.us)

*Cover Photography Provided By Bruce Lieberman*